

REMARKS/ARGUMENT

Claims 2 and 7 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states it is unclear if the applicant is claiming additional fold lines not shown by the drawings, or the same fold lines as claimed in claim 1, line 5 and claim 4, line 4. Claims 2 and 7 have been amended to explicitly recite fold lines already claimed in claims 1 and 4, respectively. Applicant maintains this amendment makes explicit what applicant believes was already implicit in the original claims, and is not made for purposes related to patentability. Reconsideration is respectfully requested.

Claims 1 and 4 have been amended to recite the feature of "heat-welding" the sheets of the impermeable laminar cover. This amendment makes explicit what applicant believes was already implicit, and is not made for purposes related to patentability.

Claims 1, 3-6, 8 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Piltz (U.S. Patent No. 4,056,221). Applicant respectfully traverses this rejection.

Applicant's amended claim 1 is directed to a cat litter box comprised of a rigid material base 3 forming a template. A laminar covering comprised of flexible sheets 8,9 are joined together by heat-welding, thereby forming a sort of bag in which the base 3 is housed with the sheets not attached to the base.

Piltz et al., in contrast, discloses a box comprising a rigid material base 10 and an impermeable laminar covering of plastic material 11, 12 that extends over the surface of the base and is bound to the cardboard base and to a sheet of aluminum by binder layers 14, 15, 14' and 15' (Figs. 5 and 6, column 2, lines 32-36). Unlike applicant's amended claim 1 and claim 4, the binder layers disclosed in Piltz et al. consist of a two-component lacquer such as used in the lacquer laminating of foils. Thus, the box defined in Piltz et al. has a laminar covering that is fixed to the base.

The flexible sheets comprising the laminar covering in applicant's claims 1 and 4 are not fixed to the base, and are able to be displaced and moved with regard to the base. Therefore, applicant's claim 1 and claim 4 are distinguishable over Piltz et al.. Applicant respectfully maintains that, for example, manufacturing the litter box, as defined in applicant's claims 1 and

4, is simpler than that of Piltz et al. because no lacquer needs to be introduced to bind the sheets together. Moreover, handling the flexible sheets is easier when, for example, the box must be cleaned to remove dirt. Therefore, claims 1 and 4 are distinguished from Piltz et al., and are allowable.

Claim 3 depends directly from claim 1, and is, therefore, patentable for the same reasons, as well as because of the combinations of features set forth in this claim with the features set forth in the claim from which it depends.

Claims 5-6, 8 and 9 depend directly or indirectly from claim 4, and are, therefore, patentable for the same reasons, as well as because of the combinations of features set forth in these claims with the features set forth in the claims from which they depend.

In view of the foregoing amendment and arguments, it is submitted that claims 1-9, as amended, are allowable over Piltz et al.

Claims 2 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Piltz et al. in view of Smith (U.S. Patent No. 3,684,155). Applicant respectfully traverses this rejection.

Applicant respectfully maintains that Smith, in combination with Piltz et al., does not remedy the deficiencies of Piltz et al., with respect to amended independent claims 1 and 4. As taught in Smith, a disposable liner bag is tucked into serrated perforations 15 of the receptacle. Smith does not teach heat-welding the peripheral margins of heats comprising a laminar cover over surfaces of a base. Therefore, even assuming, *arguendo*, one were to combine the teachings of Piltz et al. and Smith, the applicant's claims are not taught.

Claims 2 and 7 depend directly from claims 1 and 4, respectively, and are, therefore, patentable for the same reasons, as well as because of the combinations of features set forth in these claims with the features set forth in the claims from which they depend.

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Piltz et al. in view of Wu et al. (U.S. Patent No. 5,575,418). Applicant respectfully traverses this rejection.

As noted above with regard to the combination of teachings of Piltz et al. and Smith, Wu does not remedy the deficiencies of Piltz et al. with respect to amended independent claim 4. Wu employs glue to hold a corner flap of one panel 72 onto another panel 78 in order to form a box. Wu does not teach or suggest employing heat-welding to join peripheral margins of a laminar cover over a base. Therefore, even assuming, *arguendo*, that one were to combine the disclosed

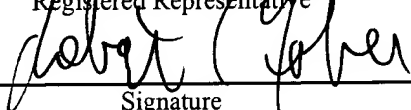
teachings of Piltz et al. and Wu, applicant's claim 4 is still not taught. Claim 10 depends indirectly from claim 4, and is, therefore, patentable for the same reasons, as well as because of the combination of features set forth in the claim with the features set forth in the claims from which it depends.

In view of the foregoing, applicant's amendments and remarks, allowance of claims 1-10 is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on October 30, 2002:

Robert C. Faber

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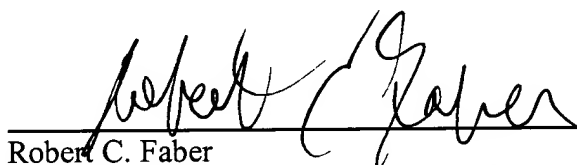


Signature

October 30, 2002

Date of Signature

Respectfully submitted,



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